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ELIMINATION OF APARTHEID AND ESTABLISHMENT OF A UNITED, DEMOCRATIC AND NON-RACIAL SOUTH AFRICA

United Nations Trust Fund for South Africa

Report of the Secretary-General

1. The United Nations Trust Fund for South Africa, established in pursuance of paragraph 2 of General Assembly resolution 2054 B (XX) of 15 December 1965, is made up of voluntary contributions from States, organizations and individuals, Governments of countries acting as hosts to refugees from South Africa, and other appropriate bodies. In accordance with that resolution, it is to be used for the following purposes:

(a) Legal assistance to persons persecuted under repressive and discriminatory legislation of South Africa;

(b) Relief of such persons and their dependants;

(c) Education of such persons and their dependants;

(d) Relief of refugees from South Africa.

In addition, the General Assembly, in resolution 46/79 F of 13 December 1991, supported "continued and substantial humanitarian, legal and educational assistance by the international community in order to alleviate the plight of those persecuted under discriminatory legislation in South Africa and their families, and to facilitate the reintegration of released political prisoners and returning exiles into South African society". It also supported "assistance by the Trust Fund for work in the legal field aimed at ensuring effective implementation of legislation repealing major apartheid laws, redressing continuing adverse effects of these laws and encouraging increased confidence in the rule of law".

2. The General Assembly, in its resolution 47/116 C of 18 December 1992, reiterating its support for "continued and substantial humanitarian, legal and educational assistance by the international community in order to alleviate the plight of those persecuted under discriminatory legislation in South Africa, and to facilitate the reintegration of released political prisoners and returning exiles into South African society", commended "the Secretary-General and the Committee of Trustees of the Trust Fund for their persistent efforts to promote humanitarian and legal assistance to victims of apartheid and racial discrimination". It expressed "its appreciation to the Governments, organizations and individuals that have contributed to the Trust Fund and to the voluntary agencies engaged in rendering humanitarian and legal assistance to the victims of apartheid in South Africa"; supported "assistance by the Trust Fund for work in the legal field aimed at ensuring effective implementation of legislation repealing major apartheid laws, redressing continuing adverse effects of those laws and encouraging increased public confidence in the rule of law"; appealed for "generous contributions to the Trust Fund, as well as for "direct contributions to the voluntary agencies engaged in rendering assistance to the victims of apartheid and racial discrimination in South Africa", and endorsed "the decision of the Trust Fund to channel its assistance through appropriate non-governmental organizations inside South Africa".

3. Since the last report of the Secretary-General, dated 15 October 1992 (A/47/525), the Trust Fund has received contributions from Governments totalling $2,188,955 as follows:

Member State	United States Dollars
Australia	45 695
Austria	100 015
Brazil	5 000
Chile	5 000
China	30 000
Denmark	161 075
France	113 043
Germany	105 325
Greece	4 500
Iceland	2 368
India	2 000
Indonesia	6 000
Iran (Islamic Republic of)	4 400
Japan	20 000
Libyan Arab Jamahiriya	5 000
Luxembourg	27 068
New Zealand	10 638
Nigeria	2 500
Norway	620 504
Pakistan	3 000
Philippines	2 861
Sweden	410 959
Thailand	1 000
United States of America	500 000
Venezuela	1 004
	2 188 955

4. In addition, the following pledges are outstanding:

Member State	United States dollars
Brazil	5 000
Chile	10 000
Egypt	846
India	2 000
Iran (Islamic Republic of)	4 400
Iraq	10 000
Japan	20 000
Malaysia	1 000
Peru	1 000
Republic of Korea	7 500
Senegal	5 000
Syrian Arab Republic	2 000
Togo	611
Turkey	5 000
United States of America	8 000
	82 357

5. The total income to the Trust Fund since its inception, including interest, is $50,298,190, and the total amount of grants is $47,850,974, including those approved on 5 May and 12 October 1993.

6. In accordance with the decisions of the Committee of Trustees, grants totalling $1,450,000 have been made from the Trust Fund during the period under review. Furthermore, on 12 October 1993, the Committee of Trustees extended grants totalling $430,000.

7. The Secretary-General has the honour to transmit the report of the Committee of Trustees of the United Nations Trust Fund for South Africa on its work since the date of the last report (see annex).

ANNEX

Report of the Committee of Trustees of the United Nations Trust Fund for South Africa

1. The Committee of Trustees of the United Nations Trust Fund for South Africa is composed of the following members:

Mr. Peter Osvald (Sweden), Chairman
Professor Ibrahim Gambari (Nigeria), Vice-Chairman
Mr. Juan Somavia (Chile)
Mr. Ahmed Snoussi (Morocco)
Mr. Jamsheed K. A. Marker (Pakistan)

2. Since 15 October 1992, the date of the last report (A/47/525), the Committee of Trustees decided on three grants from the Trust Fund during the reporting period and on additional grants on 12 October 1993, for purposes within its terms of reference, as laid down in General Assembly resolutions 2397 (XXIII) of 2 December 1968, 2671 (XXV) of 8 December 1970 and 47/116 C of 18 December 1992 as follows:

Grant No.	Date of decision	Amount (United States dollars)	Purpose*
192	5 May 1993	1 000 000	(a), (b) and (c)
193	5 May 1993	200 000	(a) and (b)
194	5 May 1993	250 000	(a)
195	12 Oct. 1993	200 000	(a) and (c)
196	12 Oct. 1993	230 000	(a) and (c)

* As given in para. 1 of the report of the Secretary-General above.

3. During the period under review, the Committee continued to work directly with voluntary organizations in South Africa engaged in legal and humanitarian assistance, in accordance with the mandate of the Trust Fund.

4. In the course of 1993, the Committee was particularly encouraged that multi-party negotiations, which resumed in March, agreed on the holding of the first universal suffrage elections in April 1994, and the establishment of a multi-party Transitional Executive Council (TEC) to level the political playing field and promote conditions conducive to free and fair elections. Deadlock-breaking mechanisms were also agreed upon in case of differences in interpretation.

5. The Committee noted with satisfaction that multi-party negotiators also agreed on three draft bills to set up an Independent Broadcasting Authority and an Independent Media Commission to ensure free access to the media during the electoral campaign, and an Independent Electoral Commission to oversee the

elections planned for April 1994. The four bills were approved by the South African Parliament at a special session held on 23 September 1993. An interim Constitution now being finalized by negotiators is scheduled to be adopted at a second special session of the Parliament, to be held in early November.

6. The further repeal of apartheid legislation, the release of hundreds of political prisoners, the return of thousands of refugees and exiles, and the growing involvement of the United Nations and the international community in South Africa, as well as the launching on 2 September 1993 of a month-long peace campaign to contain political violence in the run up to the first democratic elections, were widely viewed by the international community as additional developments that have given added momentum to the negotiating process, which has thus become irreversible.

7. When assessing the developments which allowed it to lift all economic sanctions, the international community attached great importance to the decision to hold free and fair elections in April 1994. Recent suggestions that a referendum be held rather than the elections envisaged are, therefore, viewed as a cause for concern.

8. The many occurrences of political violence throughout the year are responsible not only for the tragic loss of countless human lives and property, but also for an atmosphere of growing anguish, fear and distrust throughout the country that can only have a destabilizing effect on the country in the months ahead. The Committee is convinced, therefore, that, despite the problems they face, all parties involved in the multi-party negotiating process must redouble their efforts to reach, without further delay, a consensus on outstanding constitutional issues and transitional arrangements so that free and democratic elections can be held next year, as scheduled, and the new, non-racial and democratic South Africa can, at long last, tackle the complex and arduous tasks of sustained growth and development in the interest of all South Africans.

9. In this connection, the Committee expressed its full support for the increasing involvement of the international community at large and the United Nations, in particular, in support of the multi-party negotiating process, human rights and democracy in South Africa.

10. It will be recalled that, in response to the grave situation prevailing in South Africa in the summer of 1992, and in accordance with Security Council resolution 772 (1992) of 17 August 1992, the Secretary-General deployed the United Nations Observer Mission in South Africa (UNOMSA) in September 1992 to work in close collaboration with the structures set up under the National Peace Accord, which it strives to strengthen in consultation with the relevant parties, including the National Peace Secretariat, the Commission regarding the Prevention of Public Violence and Intimidation and, the national, regional and local Peace Committees, which have been established in terms of the Accord. a/

11. The Committee welcomed the work carried out by Justice Richard Goldstone, the Chairman of the Commission, regarding the Prevention of Public Violence and Intimidation through investigations and reports on several aspects of the ongoing violence in the country.

12. The Committee noted with satisfaction that, during the period under review, further progress on the release of political prisoners was achieved as a result of a meeting on 26 September 1992 between the State President de Klerk, Mr. Mandela, the President of the African National Congress (ANC), and the establishment of a Joint Committee consisting of government and ANC representatives, which resolved 536 pending cases of political detainees. b/ At the end of July 1993, however, 49 persons were still listed as political prisoners by the Human Rights Commission of South Africa. c/

13. In accordance with the terms of the Memorandum of Understanding reached between UNHCR and the Government of South Africa on 4 September 1991, some 13,000 South African returnees had received assistance from the UNHCR office in South Africa at the end of 1992. d/

14. During the period under review, it should be noted that violence within Black communities abated somewhat in the first half of the year resulting in 1,387 deaths. e/ The Chairman of the National Peace Secretariat stated in early June that violence of a "purely political" character had markedly declined in recent months and that the nature of the violence had shifted from political confrontation to assassinations, taxi wars and crime. f/

15. The Committee welcomed the meeting on 23 June 1993 between Mr. Mandela and Chief Buthelezi, at which both leaders expressed the determination of their organizations to seek ways and means to end the senseless violence and to promote national reconciliation. g/ The Committee also felt that the nationwide observance of Peace Day on 2 September 1993, marked by moments of silence, peaceful demonstrations and pledges to quell the mindless violence, particularly through the establishment of a multi-party peace-keeping force, was another indication of the determination of the South African leadership, Black and White, and the majority of the South African people to forge ahead and bring the ongoing negotiating process to a successful end.

16. During the first half of 1993, a total of 281 cases of detention without trial were reported under the Public Safety Act authorizing police custody of up to 30 days for interrogation or for "preventative" purposes, and Section 29 of the Internal Security Act that provides for 10 days for interrogation and Section 50 that allows 14 days of "preventative" custody. Such legislation is currently being used in "unrest areas" and in some "Homelands", where authorities in particular continue to deny free political activity under such legislation. h/

17. Of 824 accused persons 145 were convicted in 84 political trials concluded during the first half of 1993, corresponding to a 17 per cent conviction rate. i/ Three hundred and one persons (not including Transkei, Bophuthatswana, Venda and Ciskei) were listed on Death Row. Although no executions have actually taken place, the Committee expressed concern at the decision taken in June 1993 by the Tricameral Parliament in South Africa to lift the moratorium on executions, which had been suspended since February 1990. j/

18. In 1993, and in accordance with General Assembly resolution 47/116 C of 18 December 1992, the Committee of Trustees continued, inter alia, to provide assistance for the reintegration of former political prisoners and newly released political prisoners into South African society.

19. The Committee also supported projects to alleviate some of the adverse effects of apartheid's legacy and to encourage increased public confidence in the rule of law. All assistance was channelled directly through voluntary organizations inside South Africa.

20. The Committee of Trustees looks forward to the time when universal suffrage elections are held next year and an Interim Government of National Unity is established, thus ushering in a new, non-racial democracy in South Africa.

21. The Committee of Trustees wishes to express its appreciation to the Secretary-General for his encouragement and support, as well as to the voluntary organizations concerned for their dedicated cooperation.

Notes

a/ S/25004, paras. 47-50; A/47/574, annex I, paras. 19-20.

b/ S/25004, para. 82.

c/ Human Rights Commission of South Africa, Summary Report of Repression for the month of July 1993 and Half-Year Review, p. 2.

d/ S/25004, para. 28.

e/ Human Rights Commission of South Africa, Half-Year Review, p. 1; Business Day (Johannesburg), 4 June 1993.

f/ Business Day (Johannesburg), 4 June 1993.

g/ New York Times, 24 June 1993.

h/ Human Rights Commission of South Africa, Monthly Repression Report, June 1993.

i/ Ibid.

j/ South Scan: A Bulletin of Southern African Affairs (London), 25 June 1993; Weekly Mail (Johannesburg), 8-15 April 1993.